

A

B I L L

to

Amend the Supreme Court of Judicature Act (Ireland), A.D. 1881.
—
1877, and for other purposes.

WHEREAS the Supreme Court of Judicature in Ireland is at present constituted of the Lord Chancellor, the Lord Chief Justice, the Master of the Rolls, the Lord Chief Justice of the Common Pleas, the Lord Chief Baron of the Exchequer, two ordinary judges of the Court of Appeal, the Vice-Chancellor, the judge of the Court of Probate, two land judges of the Chancery Division, seven judges of the Common Law Divisions, and the Judicial Commissioner of the Irish Land Commission; and there are in addition two judges of the Court of Bankruptcy:

10. And it is expedient to reduce the number of such judges to the extent provided by this Act; and to abolish certain distinctions of titles; and to provide that the Court of Bankruptcy shall be consolidated with the Supreme Court; and to make the other provisions for the better administration of the business of the
15 Supreme Court which are contained in this Act:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

20

Courts and Judges.

1. The permanent constitution of the Supreme Court of Judicature in Ireland shall be as follows, that is to say, the Court shall consist of the Lord Chancellor, the Lord Chief Justice, the Master of the Rolls, two ordinary judges of the Court of Appeal, and eleven
25 other judges, including in that number the Judicial Commissioner of the Irish Land Commission and his successor in office for the time being, if such successor is appointed; and if no such successor

Permanent
constitution
of Supreme
Court,

[Bill 55.]

A

A.D. 1885. is appointed, then of ten other judges; which last-mentioned eleven or ten other judges shall be styled judges of Her Majesty's High Court of Justice in Ireland: Provided however, that:—

- (1.) When first after the commencement of this Act a vacancy occurs in the office of the Judicial Commissioner of the Land Commission, such vacancy shall not be filled up until a commission shall have been issued by Her Majesty under the Royal Sign Manual to ascertain and report whether the duties of the Judicial Commissioner can be adequately discharged by the High Court, and if such vacancy is not filled up, then the number of eleven judges above mentioned shall be reduced by one:
- (2.) The vacancy aforesaid shall not be filled up until after the expiration of a period of forty days after the date of such report, if Parliament is then sitting; and if Parliament is not then sitting, until the expiration of a period of forty days after the beginning of the next session of Parliament.
- (3.) If such vacancy is not filled up, the jurisdiction theretofore vested in the Judicial Commissioner of the Irish Land Commission shall be vested in, and may be exercised by, such judge of the High Court as the Lord Lieutenant shall by order under his hand nominate in that behalf. The power of nomination conferred by this section upon the Lord Lieutenant may be exercised by him at any time after such transfer of jurisdiction, and thereafter from time to time whenever any judge so nominated by him shall die, or resign, or becomes incapable of executing the duties so imposed upon him. A judge appointed before the passing of this Act shall not be nominated without his own consent, and if nominated shall be paid such additional salary as the Lord Lieutenant, with the consent of the Treasury, shall appoint.

Mode of effecting the reduction in the numbers of the Supreme Court.

- (1.) For the purpose of carrying into effect the provisions of this Act prescribing the permanent constitution of the Supreme Court, on the occasion of the first vacancy after the commencement of this Act in the office of Chief Justice of the Common Pleas, and on the occasion of the first vacancy after the commencement of this Act in the office of Chief Baron of the Exchequer, the office vacant on each such occasion shall be reduced to an equality with the offices of the other judges of the High Court who are not ex-officio judges of the Court of Appeal, by the abolition of the rank and title of Lord Chief Justice of the Common Pleas or Lord Chief Baron of the Exchequer, as the case may be, and of all other

A.D. 1885.

distinctions between the office of any judge who may be thereafter appointed to fill the office then vacant and the offices of the other judges of the High Court who are not ex-officio judges of the Court of Appeal, and between the salary, pension, and patronage attached 5 to such office, and the salaries, pensions, and patronage of such other judges of the High Court as aforesaid.

(2.) On the occasion of the first vacancy after the commencement of this Act in the office of Judge of the Courts of Probate and for Matrimonial Causes and Matters, the vacancy shall not be filled, 10 and the rank and title of Judge of the Courts of Probate and for Matrimonial Causes and Matters shall be abolished.

(3.) On each such occasion, the number of the Divisions of the High Court shall be reduced by the consolidation and union of the Common Pleas Division, or of the Exchequer Division, or of the 15 Probate and Matrimonial Division, in which the vacancy has occurred, as the case may be, with the Queen's Bench Division.

(4.) On and after such consolidation and union, all causes and matters which may then be pending in the Division to be so united and consolidated shall be transferred to the Queen's Bench Division, and all proceedings of every kind which may be then pending in any such causes or matters shall be continued, carried on, and completed in the Queen's Bench Division in the same manner in all respects as they would have been in the Division to which they were previously assigned if the same had not been united or consolidated with the Queen's Bench Division as aforesaid.

(5.) All causes, matters, and other proceedings which, by or under the Supreme Court of Judicature Act, Ireland, 1877, or any Act amending the same, or any rule or order made pursuant thereto, have been or are assigned to the Division so united and 30 consolidated with the Queen's Bench Division as aforesaid, shall be assigned to the Queen's Bench Division.

(6.) All proceedings which have heretofore, by any law or custom other than such Acts of Parliament, rules, and orders as aforesaid, been taken or had respectively in the Division so united 35 and consolidated as aforesaid, shall be taken and had in the Queen's Bench Division of the said High Court of Justice.

(7.) All powers and authorities which, by any law or custom, have heretofore been exercised by the Chief Justice of the Common Pleas, and the Chief Baron of the Exchequer, and the Judge of the 40 Courts of Probate and for Matrimonial Causes and Matters respectively, shall, from and after the time when the Division to which such Chief Justice and Chief Baron and Judge respectively belongs is consolidated and united with the Queen's Bench

A.D. 1885. Division respectively as aforesaid, be capable of being exercised by the Lord Chief Justice, unless such exercise thereof shall be contrary or repugnant to any express provision in any Act of Parliament.

(8.) When under the enactments contained in the ninth section 5 of the Supreme Court of Judicature Act (Ireland), 1877, the Court of Admiralty is united and consolidated with the Supreme Court, all causes and matters then pending in the High Court of Admiralty, and all causes and matters which would have been within the jurisdiction of that Court if it had not been so united and consolidated, shall be assigned to the Queen's Bench Division of the High Court.

So much of the ninth section of the Supreme Court of Judicature Act (Ireland), 1877 as makes provision for enabling the Lord Lieutenant to nominate a judge of the High Court to exercise 15 jurisdiction in Admiralty matters, and as makes provision for the transfer of such jurisdiction to a judge of the Probate and Matrimonial Division, shall be and is hereby repealed.

(9.) When from time to time the judge of the High Court of Admiralty, or the judge of the Probate and Matrimonial Division 20 respectively cease to hold their offices, then all causes and matters which under this Act are transferred and assigned to the Queen's Bench Division, shall, if the union and consolidation of the Common Pleas and Exchequer Divisions with the Queen's Bench Division has not then taken effect, be distributed among, and may be commenced 25 and prosecuted in, the Queen's Bench Division, or the Common Pleas Division, or the Exchequer Division, or such of them as may be then an existing Division, as the Lord Chancellor may from time to time direct.

(10.) No successor shall be appointed to either of the existing 30 Land Judges of the Chancery Division.

(11.) When a vacancy occurs in the office of whichever of the two existing land judges continues longest in office, the jurisdiction exercised by the land judges of the Chancery Division shall, subject to general rules and to orders of transfer made under the Supreme 35 Court of Judicature Act (Ireland), 1877, be exercised by the Chancery Division of the High Court.

On the occurrence of such vacancy, the separate seal used by the land judges of the Chancery Division shall be abolished. There shall be a separate seal, to be used by the High Court, for the same 40 purposes as those for which the seal of the land judges was used. Conveyances executed by any judge under the jurisdiction transferred by this Act shall be sealed with such seal, and shall be of the same force as conveyances executed under the seal of the land judges.

3. When next after the passing of this Act a vacancy happens in the office of Lord Chancellor of Ireland the salary of the office shall be reduced to the yearly sum of *six thousand* pounds, which salary shall be subject to the provisions of the Act of the session of 5 the second and third year of the reign of King William the Fourth, chapter one hundred and sixteen, concerning the salaries granted under the authority of that Act. A.D. 1885.
 Salary of +
 Lord
 Chancellor.
4. After the passing of this Act, the Lord Chief Justice of the Queen's Bench Division, and each of the existing Chiefs of the Common 10 Pleas and Exchequer Divisions, who shall actually go circuit as a judge, shall be entitled to receive in respect of such circuit the same allowance as is provided for certain other judges under section eighteen of the Supreme Court of Judicature Act (Ireland), 1877. Circuit
 allowances.
5. No successor shall be appointed to either of the existing judges 15 of the Court of Bankruptcy. Court of
 Bankruptcy.
- (1.) When a vacancy occurs in the office of whichever of the two existing judges of the court continues longest in office the court shall be united and consolidated with the Supreme 20 Court of Judicature, and all the jurisdiction vested in and capable of being exercised by the judges of the said court or one of them, and all causes and proceedings then pending in the court shall be transferred to the High Court of Justice.
- (2.) For the purposes of this union, consolidation, and transfer, and of all matters incidental thereto and consequential thereon, and with respect to the making of Rules of Court, the Supreme 25 Court of Judicature Act (Ireland), 1877, as amended by subsequent Acts, shall, subject to the provisions of this Act, have effect as if the union, consolidation, and transfer had been effected by that Act, except that all expressions referring to the time appointed for the commencement of that Act shall be construed as referring to the date of such union, consolidation, and transfer, and, subject as aforesaid, this Act and the said above-mentioned Acts shall be read and construed together. Transaction
 of bank-
 ruptcy
 business by
 the High
 Court.
 46 & 47 Vict.
 c. 22. s. 91.
6. (1.) Subject to general rules, and to orders of transfer made 30 under the authority of the Supreme Court of Judicature Act (Ireland), 1877, and Acts amending it,—
- (a.) All matters pending in the Court of Bankruptcy at the commencement of this Act; and
- (b.) All matters which would have been within the exclusive 40 jurisdiction of the Court of Bankruptcy, if this Act had not passed;
- shall be assigned to such Division of the High Court as the Lord Chancellor may from time to time direct.

A.D. 1885.

(2.) All such matters shall, subject as aforesaid, be ordinarily transacted and disposed of by or under the direction of one of the judges of the High Court, and the Lord Chancellor shall from time to time assign a judge for that purpose.

(3.) Provided that during vacation, or during the illness of the judge so assigned, or during his absence or for any other reasonable cause such matters, or any part thereof, may be transacted and disposed of by or under the directions of any judge of the High Court named for that purpose by the Lord Chancellor.

(4.) Appeals in bankruptcy matters shall lie to the Court of Appeal in the same manner and in respect to the same proceedings as before the union and consolidation of the Court of Bankruptcy with the High Court.

(5.) Subject to the provisions of this Act, the officers, clerks, and subordinate persons who are, at the commencement of this Act, attached to the Court of Bankruptcy, and their successors, shall be officers of the Supreme Court of Judicature, and shall be attached to the High Court.

(6.) Subject to general rules, all bankruptcy matters shall be entitled "In bankruptcy."

20

7. Subject to the provisions of this Act and to general rules the judge of the High Court exercising jurisdiction in bankruptcy may exercise in chambers the whole or any part of his jurisdiction.

8. (1.) The registrars in bankruptcy of the High Court shall have the powers and jurisdiction in this section mentioned, and any order made or act done by such registrars in the exercise of the said powers and jurisdiction shall be deemed the order or act of the Court.

(2.) Subject to general rules limiting the powers conferred by this section, a registrar shall have power—

(a.) To hear bankruptcy petitions, and to make orders and adjudications thereon:

(b.) To hold the public examination of debtors in cases where neither the official assignee nor any creditor desires that the examination should be held before the judge:

(c.) To grant orders of discharge where the application is not opposed:

(d.) To approve compositions or schemes of arrangement when they are not opposed:

(e.) To make interim orders in any case of urgency:

(f.) To make any order or exercise any jurisdiction which by any rule in that behalf is prescribed as proper to be made or exercised in chambers:

40

Exercise in
chambers of
High Court
jurisdiction.
46 & 47 Vict.
c. 52, s. 98.

Jurisdiction in
bank-
ruptcy of
registrars.
20 & 21 Vict.
c. 60, s. 49.
Gen. Ord.
1872, 2.

A.D. 1885.

- (g.) To hear and determine any unopposed or ex parte application :
 (h.) To summon and examine any person known or suspected to have in his possession effects of the debtor or to be indebted to him, or capable of giving information respecting the debtor, his dealings or property.
- 5 (3.) The Registrars in bankruptcy of the High Court shall also have power to grant orders of discharge and certificates of removal of disqualifications, and to approve compositions and schemes of arrangement.
- 10 (4.) The registrar shall not have power to commit for contempt of court.
- (5.) Subject to rules of court, an appeal shall lie to the judge exercising jurisdiction in bankruptcy against any decision of a registrar.
- 15 (6.) In this section, the term registrar includes any prescribed officer, by whatever title he may be called.
- (7.) The persons for the time being exercising the functions of the official assignees, and of the messengers of the Court of Bankruptcy, shall respectively have the same powers, privileges, and 20 duties as the existing official assignees and messengers.

Offices and Officers.

9. There shall be established a central office of the Supreme Establishment of
 Court of Judicature, consisting of two Divisions, a Common Law Division and a Chancery Division.
- 25 The central office shall commence and be established on a day to be fixed by the Lord Chancellor, by order under his hand.
- There shall be concentrated and amalgamated with the Common Law Division of the central office the following offices, namely,
 The offices of the masters of the Queen's Bench, Common Pleas, and Exchequer Divisions.
- 30 The Crown office of the Queen's Bench Division.
- The office for trials by jury by Queen's Bench, Common Pleas, and Exchequer Divisions.
- The office of the registrar of judgments.
- 35 The offices of the Principal Registry of the Court of Probate.
- The offices of the High Court of Admiralty.
- The offices of the chief and other registrars and chief and other clerks of the Courts of Bankruptcy.
- 40 Such other offices as may from time to time be amalgamated with the Common Law Division of the central office by rules of court.
- There shall be consolidated and amalgamated with the Chancery Division of the central office the following offices, namely,

| | | |
|------------|---|----|
| A.D. 1885. | The offices of the chief clerks of the Lord Chancellor, the Master of the Rolls, and the Vice-Chancellor. | |
| | The registrar's office of the Chancery Division and of the Court of Appeal. | |
| | The offices of the registrars and examiners of the land judges. | 5 |
| | The Receiver Office. | 3 |
| | The Consolidated Record and Writ Office. | |
| | The Consolidated Notice Office. | |
| | Such other offices as may from time to time be amalgamated with the Chancery Division of the central offices by rules of court. | 10 |

If under this Act Bankruptcy business is assigned to the Chancery Division of the High Court, then the offices of the chief and other registrars, and chief and other clerks in Bankruptcy shall be amalgamated with the Chancery Division of the central office.

15

Subject to the provisions of this Act, the right of appointment to any office mentioned in this section shall be exercised by the person by whom it might have been exercised if this Act had not been passed. When the offices of Chief Justice of the Common Pleas, Chief Baron of the Exchequer, and Judge of the Courts of Probate and for Matrimonial Causes and Matters respectively cease to exist, the patronage attached to such offices respectively (other than the right of appointing any officer attached to a judge), shall be transferred to the Chief Justice of the Queen's Bench Division.

Subject to the preceding provisions of this section, the right of appointment to any of the offices aforesaid shall be vested in the Lord Chancellor.

Duties of officers.

10. After the establishment of the Central Office of the Supreme Court, so much of section seventy-two of the Supreme Court of Judicature Act (Ireland), 1877, as provides that the distribution of business among the officers attached to the respective divisions therein referred to, the duties to be discharged by them, and any re-arrangement connected therewith, shall be regulated, directed, and controlled by Rules of Court, shall be repealed. In lieu thereof, such distribution of business, duties, and re-arrangement shall from time to time be regulated, directed, and controlled so far as regards the Common Law Division of the Central Office and the officers and persons for the time being belonging thereto, by Orders, or under the direction of the Lord Chief Justice of the Queen's Bench Division; and so far as regards the Chancery Division of the Central Office, and the officers and persons for the time being belonging thereto, by Orders, or under the direction of the Lord Chancellor.

4

Any officer attached to either division of the central office may be transferred to the other division thereof by order of the Lord Chancellor and the Lord Chief Justice.

A.D. 1853.

In the case of any existing officer who holds any office the patronage of which is vested in an existing judge, the regulation of the duties of such officer, and his transfer from one division to the other mentioned in this section, shall be determined by rules of court made in the manner provided by this Act, instead of by the order or under the direction of the Lord Chancellor or the Lord Chief Justice as aforesaid.

11. There shall be transferred to the central office all the existing masters, registrars, clerks, messengers, and officers, under whatever name they are described, attached to or employed in any of the above-named offices; also such other officers of and persons employed in the Supreme Court and the offices thereof as are from time to time transferred to the central office by rules of court.

Any officer of the Central Office, appointed to his office after the passing of this Act, may be removed from office by the Lord Chancellor, for reasons to be assigned in the order of removal.

Transfer of certain offices to central office.
42 & 43 Vict. c. 78, s. 9.

20. If any officer of the Supreme Court, being afflicted with any infirmity which disables him from the due execution of his office, refuses to resign or becomes incapable of resigning his office, it shall be lawful for the Lord Chancellor by order to remove him from his office.

25. 12.—(1.) The Lord Chancellor, with the concurrence of the Treasury, may from time to time make rules for regulating the procedure for giving effect to the orders of the Court with regard to the payment, transfer, or deposit into or in or out of court of money, securities, or property, or to the dealing therewith, and may, 30 with the like concurrence, at any time revoke or alter any such rules; provided that any rules made for the said purpose which may be in force at the time of the passing of this Act shall (subject to the provisions of this section) remain in force until revoked or varied under the powers herein given.

Office of the Accountant-General.

35. (2.) The books and accounts in the office of the Accountant-General shall be kept in such manner as the Treasury may from time to time prescribe or approve, and the distribution of the business in the said office and the regulations for the attendance of the officers and clerks shall be such as may from time to time be prescribed by or under the authority of the Treasury.

(3.) Whenever the existing Accountant-General shall cease to hold his office, and whenever any vacancy occurs in the office of

A. D. 1883. — any clerk or other officer of the Accountant-General's Department, the appointment or promotion to such vacant office, and all subsequent appointments or promotions thereto, shall be made by approval of the Treasury. Any person so appointed may be removed by the Treasury.

(4.) Any provisions of the Supreme Court of Judicature Act (Ireland), 1877, inconsistent with this section are hereby repealed.

Annual account of the Accountant-General.

13. An annual account shall be prepared by the Accountant-General in such form and made up to such date as may be prescribed by the Treasury, showing the total amount of funds paid or transferred into and out of court in the period to which such account relates, and the balances of the funds in court at the commencement and close of such period, and the said account shall be laid before Parliament within three months of the close of the period to which it relates, if Parliament be then sitting, and if not sitting, then within fourteen days after Parliament shall be next assembled.

Salaries and Pensions.

As to salaries, pensions, &c. of officers of Supreme Court.

14. (1.) The salaries and remuneration of the several officers of the Supreme Court shall be of such amounts as the Lord Chancellor, with the concurrence of the Treasury, from time to time determines, and every such officer shall be deemed to be for the purposes of salary and pension a permanent civil servant of the state.

(2.) *The salaries of all officers of the Supreme Court shall be paid out of money provided by Parliament.*

Every pension and compensation shall be paid out of money provided by Parliament.

(3.) No existing officer transferred by or under this Act, and no existing officer of the Accountant-General's department, shall receive a less salary, and, if entitled to a pension, shall receive a less pension than he would have received if this Act had not been passed.

Note of application for pension.

15. The application for a pension under this Act shall be by a petition to the Lord Chancellor setting forth the service and emoluments of the applicant in such form and with such particulars as the Lord Chancellor directs.

If the Lord Chancellor approves of the application he shall transmit it to the Treasury for their examination and award, and the Treasury shall thereupon inquire into the application, and if the claim made thereby is established to their satisfaction, shall award and direct payment of the pension to which the applicant is entitled.

16. It shall be lawful for the Lord Chancellor from time to time to declare by writing signed by him that any office entitling to a pension under this Act is an office for the due and efficient discharge of the duties of which professional or other peculiar qualifications, not ordinarily to be acquired in the public service, are required, and that it is in the interest of the public that persons be appointed thereto at an age exceeding that at which public service ordinarily begins; and thereupon it shall be lawful for the Treasury to order that when the holder of any such office retires from public service, a specified number of years, not exceeding twenty, shall, in computing the amount of pension payable to the officer, be added to the number of years during which he has actually served.

Every such order shall have the same effect as an order or warrant made under section four of the Superannuation Act, 1859.

A.D. 1881.
Power to
declare office
professional,
and add
years to
service of
holder
thereto.

22 Vict. c. 20.

17. An officer of the Supreme Court appointed after the commencement of this Act shall not be entitled to salary or a pension under this Act unless he has been admitted to his office with a certificate from the Civil Service Commissioners.

Conditions
of obtaining
salary and
pensions
under this
Act.

20. Provided that the Lord Chancellor may from time to time, with the concurrence of the Treasury, make, revoke, and alter orders declaring that this section shall not apply to any office or class of offices specified in the order, and the application of this section shall be limited in accordance with any such order.

25. 18. (1.) The Lord Chancellor may from time to time, by order made with the concurrence of the Treasury, increase or diminish the number of officers, clerks, or other persons holding subordinate positions in the Supreme Court or any Division thereof, other than the Accountant-General's Department, or in the Court of Bankruptcy or the Court of Admiralty, and the amounts of the salaries of such officers, clerks, or persons, and may from time to time by order with the like concurrence abolish any office in the Supreme Court, or any Division thereof, and may from time to time by order with the like concurrence alter the classification or designations of such officers, clerks, or other persons, and determine the conditions on which they are to hold their offices.

Power to
alter the
official staff
of the
Supreme
Court.

(2.) The Treasury may exercise with reference to the Accountant-General's Department the powers vested in the Lord Chancellor under this section with reference to other offices.

40. (3.) The Treasury may on the petition of any person whose office is abolished under this Act, inquire whether any, and if any what, compensation ought to be made to the petitioner, regard being had

A.D. 1887. to the conditions on which his appointment was made, the nature of his office or employment, and the duration of his service; and if they think that his claim to compensation is established, may award to him, *out of moneys to be provided by Parliament*, such compensation, by annuity or otherwise, as under the circumstances of the case they think just and reasonable.

Selection of persons from holders of abolished offices.
16 & 17 Vict.
c. 52, s. 126.

19. Every person hereafter appointed to be an officer or clerk or to hold any subordinate office or employment in the Supreme Court shall be selected from the persons (if any) whose office or employment is abolished under this Act, unless in the opinion of the Lord Chancellor, or in the case of persons to be appointed by the Treasury, of the Lords Commissioners, none of such persons are fit for such office or employment. Provided that any person so appointed or employed shall, during his tenure of the new office, be entitled to receive an amount of remuneration which, together with the compensation (if any) for loss of the abolished office, shall be not less than the emolument of the abolished office.

Fees.

Free and
simple.

20. The Lord Chancellor may, with the sanction of the Treasury from time to time prescribe a scale of fees and percentages to be taken in the High Court, or in the Court of Appeal, or in any office or by any officer connected with either of such courts, which officer is paid wholly or partly out of public moneys.

Provided, that this section shall only come into force when the existing Lord Chief Justice, Chief Justice of the Common Pleas, and Chief Baron of the Exchequer, have ceased to hold their offices.

When this section comes into force, section eighty-four of the Supreme Court of Judicature Act (Ireland), 1877, shall be repealed.

Annual
accounts.
28 & 29 Vict.
c. 77, s. 28.

21. The Treasury shall cause to be prepared annually an account for the year ending the thirty-first day of March, showing the receipts and expenditure during the preceding twelve months in respect of the High Court and the Court of Appeal, and of any court, office, or officer, the fee taken in which or by whom can be fixed in pursuance of the Supreme Court of Judicature Act (Ireland) 1877, or any Act amending it. Such account shall be made out in such form and contain such particulars as the Treasury with the concurrence of the Lord Chancellor may from time to time direct.

30

40

3

Every officer by whom or in whose office any fees to which this section relates are taken shall make such returns and give such information as the Treasury may from time to time require for enabling them to make out such account.

3. The said account shall be laid before both Houses of Parliament within one month after the thirty-first day of March in each year, if Parliament is then sitting, and if not, then within one month after the next meeting of Parliament.

22. Nothing contained in this Act, or done under this Act, shall affect any liability to the payment of fees payable to any officer or in any office affected by this Act, save so far as such fees may be expressly dealt with under the provisions of this Act.

23. Any enactment or document referring to an officer or office abolished by or under this Act, shall, as far as it continues applicable, be construed as referring to the officer or office substituted by or under this Act, and rules may be made from time to time by the Lord Chancellor and the Lord Chief Justice for determining what officer or office is so substituted. Any enactment or document referring to any court or division, or judge, united to the High Court by or under this Act shall, as far as it continues applicable, be construed to refer to the High Court.

24. Save so far as is expressly provided by this Act, all Rules of Court to be made after the passing of this Act, under and for the purposes of the Supreme Court of Judicature Act (Ireland), 1877, or any Act amending the same, shall be made by any three or more of the following persons, of whom the Lord Chancellor shall be one; namely, the Lord Chancellor, the Lord Chief Justice, the Master of the Rolls, the Lord Chief Justice of the Common Pleas, the Lord Chief Baron of the Exchequer, and three other judges of the Supreme Court to be from time to time appointed by the Lord Chancellor, by writing under his hand, such appointment to continue for such time as shall be specified therein, and all such Rules of Court shall be laid before Parliament, and shall be subject to be annulled in the manner provided by the sixty-ninth section of the Supreme Court of Judicature Act (Ireland), 1877.

There shall be repealed so much of the sixty-first section of the said Act, relative to the mode of making Rules of Court, as is inconsistent with this section.

District Registries of the Court of Probate.

40. 25.—(1.) Whenever after the commencement of this Act a District vacancy occurs in the office of district registrar of any district registries of [55.]

A.D. 1857. under the Probates and Letters of Administration Act (Ireland),
the Crown of 1857, by reason of the death, resignation, or removal of the district
registrar, the several counties included in such district shall there-
fore each constitute a district under the said Act.
20 & 21 Vict.
c. 79.

(2.) Whenever in any of such counties the offices of clerk of the Crown and clerk of the peace have been united, or there is a temporary clerk of the Crown or temporary clerk of the peace, the person holding the united office, or such temporary clerk of the Crown or temporary clerk of the peace, shall become district registrar for the district constituted by such county. 10

(3.) Whenever in any of such counties the offices of clerk of the Crown and clerk of the peace have not been united, and there is not a temporary clerk of the Crown or temporary clerk of the peace, the Lord Lieutenant may appoint a fit and proper person to be temporary district registrar for the district constituted by such county, who shall hold such office until he shall die or resign or be removed by the Lord Lieutenant, or until a clerk of the Crown and peace, or a temporary clerk of the Crown or temporary clerk of the peace, is appointed for such county; whereupon such clerk of the Crown and peace, or temporary clerk of the Crown or temporary clerk of the peace, shall become district registrar for the district constituted by such county. 15

(4.) Whenever a clerk of the Crown and peace has become the district registrar for any district under this Act, his successor in the office of clerk of the Crown and peace for the time being shall 20 be, by virtue of that office, district registrar of such district.

(5.) A temporary district registrar shall be paid such salary as the Lord Lieutenant with the consent of the Treasury may determine.

(6.) At a convenient time after the commencement of this Act 25 the Lord Lieutenant in Council shall, in exercise of the power conferred upon him by the seventeenth section of the Probates and Letters of Administration Act (Ireland), 1857, by Order, so alter the districts specified in the schedule to that Act as to provide that no county shall be divided between any two of such districts. Such Order may take effect with reference to any district either immediately on the making of the Order, or on the occurrence of the next vacancy in the office of district registrar of such district, or at such other time as the Order may prescribe. 30

(7.) For the purposes of this section a county of a city or county 40 of a town shall be deemed to form part of the county in which it is locally situated; and where a county of a city or county of a

A.D. 1885.

town extends into two or more counties, the part thereof locally situated in each of such counties shall be deemed to form part of such county.

26. *There shall be paid out of moneys to be provided by Parliament to clerks of the Crown and peace who under the provisions of the sixteenth section of the County Officers and Courts (Ireland) Act, 1877, have elected to continue to practise as solicitors, and who become district registrars under this Act, each annual sum, by way of remuneration for any additional duties imposed on them by this Act, as the Lord Lieutenant, with the consent of the Treasury may determine.*

Exceptional provisions
for certain
clerks of the
Crown and
peace.

Miscellaneous.

27. Terms and expressions used in this Act shall have the same meanings respectively as in the Supreme Court of Judicature Act (Ireland), 1877, unless there is something repugnant thereto in the context.

Interpreta-
tion.

28. The Acts specified in the schedule to this Act are hereby repealed to the extent specified in the third column to that schedule:

Repeal of
enactments
in second
schedule.
36 & 37 Vict.
c. 66.

20 Provided that—

(1.) This repeal shall not affect—

- (a.) Anything done or suffered before the commencement of this Act under any enactment repealed by this Act; or
- (b.) Any right, duty, or liability acquired, imposed, or incurred by or under any enactment hereby repealed; or
- (c.) The validity of any rule, order, or regulation made under any enactment hereby repealed.

29. This Act may be cited for all purposes as the Supreme Court of Judicature (Ireland) Act, 1885, and, save as otherwise expressly provided, shall come into force on the passing thereof.

Short title
and com-
mencement
of Act.

A.D. 1885.

The SCHEDULE.**PART I.**

This repeal shall take effect on and after the union and consolidation of the Court of Bankruptcy with the High Court.

Schedule of Repeals.

5

| Date of Act. | Title. | Extent of Repeal. |
|----------------------|---|---|
| 20 & 21 Vict. c. 60. | - The Irish Bankrupt and Insolvent Act, 1857. | Sections 11-18 inclusive, sections 20-23 inclusive, section 35, section 36, sections 38-48 inclusive, 10 section 50, sections 77, 78, section 81, sections 85, 86, and such other parts of the said Act as are inconsistent with 15 this Act. |

PART II.

This repeal shall take effect when both the existing land judges of the Chancery Division have ceased to hold their offices.

| Date of Act. | Title. | Extent of Repeal. | 20 |
|---------------------|--|-------------------------|----|
| 21 & 22 Vict. c. 72 | - An Act to facilitate the sale and transfer of land in Ireland. | Sections 3-7 inclusive. | |
| 29 & 30 Vict. c. 10 | - The Landed Estates Court Act, 1868 | Sections 1, 2, and 3. | 25 |

Supreme Court of Judicature (Ireland).

1

14 / 15

Decided the Supreme Court of Malaya (Malaya), 1977, and for other reasons.

(Prepared and compiled by
Mr. Chamberlain of the Legislature, Mr. George
Brewster, and Mr. Tolson General for
Archives)

Published by the House of Commons, at the Printed Office,
18 February 1890.

[View Details](#) | [Edit](#) | [Delete](#)

— 1 —

The following is a list of the names of the members of the Board of Education for the year 1907-08:

Editorial Team

10 of 10